

AG Contract No KR00 2049TRN
ADOT ECS File No. JPA 00-175
Project: H5408 01C
Section: US-180 County Complex – Quintana Way

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
COCONINO COUNTY, ARIZONA

THIS AGREEMENT is entered into 18 April, 2000,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE
OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and
COCONINO COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County")

I. RECITALS

1 The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. Incident to an improvement project on US-180 contemplated by the State, the County has requested the State to widen the roadway and construct a right turn lane, from the County complex and continuing on to Quintana Way, to include aprons and curb and gutter, at a currently estimated cost of \$52,000 00, all at County expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO 24559
Filed with the Secretary of State
Date Filed: 04/18/01

Betsy Bayless
Secretary of State

Vicky V. Graenewald

II. SCOPE OF WORK

1 The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction of the Project. Incorporate or resolve County review comments. Acquire any required permits for construction of the Project outside the State right-of-way.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the Contractor(s). Obtain County approval on any Project related construction contract modifications or force account work. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State on the State project.

c. Invoice the County for the reasonable direct actual cost of the Project, plus construction engineering, in an amount currently estimated at \$52,000.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto, and provide maintenance to the Project, all at State expense.

2. The County will:

a. Review the design documents and provide comments. Provide the State and/or the States contractor any required County permits.

b. Retain the right to cancel the Project prior to construction contract award in the event of excessive cost. Be responsible for all costs associated with the Project, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the County.

c. Within 30 days after receipt of an invoice, pay the State for the reasonable direct actual cost of the Project, plus construction engineering, in an amount currently estimated at \$52,000.00.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6 All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Coconino County
Community Development Director
2500 Fort Valley Road
Flagstaff, AZ 86001


7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

COCONINO COUNTY, ARIZONA

STATE OF ARIZONA

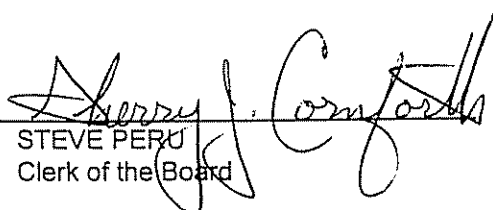
Department of Transportation

By 
~~ELIZABETH C. ARCHULETA~~, Chair
Board of Supervisors

Paul J. Babbitt

ATTEST 2/20/01


By 
WILLIAM J. HIGGINS
Deputy State Engineer

By 
STEVE PERU
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 24th day of September 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Coconino County for the purpose of defining responsibilities for designing and constructing improvements to US-180, County Complex - Quintana Lane.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

Home
History
Departments
Services
Contact Information
Tax Information
Employment
Bids and RFP's
Links
Feedback

Board of Supervisors Agenda Summary for 20 February, 2

AGENDA SUMMARY - February 20, 2001

REGULAR MEETING OF THE COCONINO COUNTY BOARD OF SUPERVISORS, THE KACH IMPROVEMENT DISTRICT, COCONINO COUNTY JAIL DISTRICT BORARDS OF DIRECTORS COUNTY BOARD OF EQUALIZATION

Attendance: Supervisors Liz Archuleta, Paul Babbitt, Deb Hill, Louise Yellowman, Matt Ryan, Attorney Bill Ring

CONSENT ITEMS:

1. Removed

2. Warrant registers. Board of Supervisors

3. County Manager Employment Contract. Board of Supervisors

4. Resolution No. 2001- 05, To delegate authority to the Career Center director to approve traini and sign agreements and contracts to that effect. Career Center

5. Resolution No. 2001- 06, Case No. S-00-08: A request for Final Plat approval for the 37-lot R subdivision located on the north side of Townsend Winona Road 3.5 miles east of Highway 89. Estates, LLC. Community Development

6. Set for Public Hearing: Case No. UP-01-5, Starwood appeal, March 19, 2001, 6 pm. Commun

7. Intergovernmental agreement between Arizona Department of Transportation and Coconino C of constructing a right turn lane at Quintana Way immediately north of the Community Developm Community Development

8. Building and Safety Advisory Board: Reappoint Joe Gust and Mitch Walzer to four year terms appoint David Lakin to 4 year term expiring 1-1-05 Community Development

9. Award RFP #2001-100, Audit Services for Superior Court to include Clerk of Superior Court, A Juvenile Court and the 4 County Justice Courts, to Kemp Burdick Hinton & Hall, for an amount n Court Administration

10. Contract between Coconino County Department of Health Services and Arizona Departmen of Health Services by which the County provides Human Immunodeficiency Virus (HIV) prevention service for the amount of \$154,008.60 for the period from 1-1-2001to 12-31-2003 (\$1 period 1-1-2001 to 12/31/01) Health Services

11. Contract between Coconino County Department of Health Services and Arizona Departmen which the County provides HIV Prevention and Control Services (HIV Prevention, Counselling an amount of \$151,295.40 for the period from 1-1-2001 to 12-31-2003 (\$50,431.80 for the period fr 2001). Health Services

12. Contract between Coconino County Department of Health Services and Arizona Departmen which the county provides HIV/AIDS Consortia Services (under Title II of the Ryan White CARE \$302,930.00 for the period from 4-1-2000 to 3-31-2001. Health Services

13. Delegation Agreement #00-0031, agreement between the Coconino County Department of H Arizona Department of Environmental Quality, by which authority the County provides waste wa Coconino County, from the date of County approval in February of 2001 to June 30, 2006 Healt

14. Resolution 2001- 07, Authorizing the Coconino County Superintendent of Schools to sign an agreement entitled the Coconino Environmental Education Project (CEEP) Superintendent of Sc

All Consent items approved by unanimous vote.

ACTION ITEMS:

15. COCONINO COUNTY JAIL DISTRICT BOARD OF DIRECTORS

Approve amended Intergovernmental Agreement with the US Marshals Service to establish rate for US Marshal, INS and Federal Bureau of Prisons inmates.

Motion approved unanimously.

16. KACHINA VILLAGE IMPROVEMENT DISTRICT

Consideration of Intergovernmental agreement between KVID and Coconino County for sale Wash Project.

Approved on unanimous vote pending approval from the Coconino County Attorneys Office.

16B. Intergovernmental Agreement for Temporary Use and Transfer of Land between Kachina V District and Coconino County Parks and Recreation

Approved unanimously pending approval from the Coconino County Attorneys Office.

17. BOARD OF EQUALIZATION

Consideration of Hearing Officer recommendations for Personal Property Tax Appeal on Tax 8, Multiple, Safeway Stores, Inc., for hearing held 2/14/2001.

Approved unanimously motion to deny the appeal.

18. Direction to Counsel re: appeal in CV2000-00383, Jones v. Coconino County, Board of Supervisors

Approved on a vote of 4-1, Supervisor Hill voting nay.

19. PUBLIC HEARING AND CONSIDERATION of Case No. UP-00-63: An appeal of the decision Zoning Commission for a request for a Conditional Use Permit for a 190-foot communications tower consists of 254 acres in the General Zone, is located on the north side of State Route 99 and I-4 interchange about 7 miles west of Winslow, and is identified as Assessor's Parcel Number 406-2 Applicant/Appellant: American Tower Corporation, Gilbert, AZ. APPLICANT HAS REQUESTED Community Development

Motion to continued to March 18, 2001, approved unanimously.

20. PUBLIC HEARING AND CONSIDERATION of Resolution 2001-08 Case No. UP-00-64: Request for a Conditional Use Permit for a 190-foot communications tower. The property consists of 8.8 acres in the General Zone, is located on the south side of I-40 about one-quarter mile east of the Twin Arrows interchange, and is identified as Assessor's Parcel Number 303-38-002B. Applicant: American Tower Corporation, Gilbert, AZ. Appellant: S Community Development

Motion to grant the appeal and to deny the conditional use permit to American Tower Corporation tower. Approved on a vote of 3-2, Supervisor Hill & Babbitt voting nay.

21. PUBLIC HEARING AND CONSIDERATION of Case No. UP-98-13: An appeal of the decision Zoning Commission for a request for modification of a Conditional Use Permit condition of approval for road maintenance. The property consists of 40 acres in the General Zone, is located on the south side of Ranch Road east of Highway 64, and is identified as Assessor's Parcel Number 502-24-040. Applicant/Appellant: Daniel Cook, Flagstaff, AZ. Community Development

Motion to deny the appeal approved unanimously

22. PUBLIC HEARING AND CONSIDERATION of Ordinance 2001-_____, Case No. AM-00-04: the Zoning Ordinance to add a new Section 14.5 pertaining to wireless telecommunication facilities in which such facilities are permitted. Community Development

Motion to continue to March 19, 2001, approved unanimously.

23. PUBLIC HEARING AND CONSIDERATION of Resolution 2001-09 Case No. UP-00-60: An appeal of the Planning and Zoning Commission for a request for Conditional Use Permit renewal (of UP-9 industry for musical instrument research and development. The property consists of 2.35 acres in the Residential Zone, is located on Deer Run in Lake Mary Park subdivision (Lot4), and is identified as Assessor's Parcel Number 114-06-004. Applicant/Appellant: Daniel Cook, Flagstaff, AZ. Community Development

recused herself and left the meeting.
Motion to reverse Planning and Zoning decision, grant appeal with conditions as recommended by the Board of Supervisors, approved on a vote of 4-0 with Supervisor Hill abstaining. Motion to grant the appeal approved unanimously with modifications to three conditions. Condition #2 – there must be only one site at the Lake Mary Park Subdivision effective the end of May 2001. Condition #7 – the landscape must be in compliance by the end of May 2001. Condition #8 – a lighting permit must be obtained by the end of May 2001.

24. PUBLIC HEARING AND CONSIDERATION of Case No. UP-00-66: An appeal of a decision Zoning Commission on a request for a Conditional Use Permit for a 50-foot communications tower consists of 11.6 acres in the CG-10,000 (Commercial General) Zone, is located on the north side of Valley Road) one-quarter mile west of Schultz Pass Road, and is identified as Assessor's Parcel Number 114-06-004. Applicant: Alamosa, LLC, Lubbock, TX. Appellant: Cheshire Park Townhomes Homeowners Association

Community Development

Motion to grant the appeal and to deny the conditional use permit to Alamosa, LLC, to construct
Approved on a vote of 3-2, Supervisor Archuleta & Yellowman Voting nay

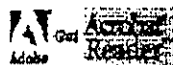
25. PUBLIC HEARING AND CONSIDERATION of Resolution 2001-10 Case No. UP-00-71: An a
by the Planning and Zoning Commission for a request for a Conditional Use Permit for improvem
at Flagstaff. The Property consists of 200 acres in the General Zone, is located on Woody Moun
south of Route 86, and is identified as Assessor's Parcel Number 118-08-010A. Applicant/Appe
Horticultural Institute. Flagstaff. AZ. Community Development

Motion to uphold the appeal and modify the condition concerning dust control to read "Applicant
control plan from Woody Mountain Road to the entrance of the Arboretum", The plan to be subm
Development Department within one year from this date. Motion carried unanimously.

Motion to deny appeal of condition requiring screening of maintenance & support facilities appro

Adjourned at 11:10 p.m.

Summary prepared March 8, 2001 -Sherry J. Comforth, Deputy Clerk



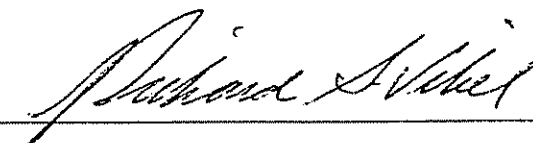
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APPROVAL OF THE COCONINO COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and COCONINO COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 20th day of FEBRUARY, 2001
~~2000~~.



County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8855

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

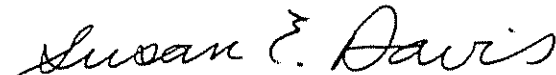
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-2049TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED April 12, 2001.

JANET NAPOLITANO
Attorney General



SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

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